IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 21 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHMEDABAD DISTRICT MILK PRODUCERS UNION LTD.

Versus

AHMEDABAD MUNICIPAL CORPORATION

Appearance:

1. Special Civil Application No. 21 of 2005

MR CHIRAG B PATEL for Petitioner No. 1

MR RR MARSHALL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 17/01/2005

ORAL JUDGEMENT

Rule. Shri RR Marshall, learned advocate waives service of Rule on behalf of respondent Corporation.

2. In this petition under Article 226 of the Constitution of India, the petitioner has challenged the legality and validity of the decision/order dated

1.1.2005 of the Ahmedabad Municipal Corporation (AMC) by which the application of the petitioner for renewal of licence under the Bombay Provincial Municipal Corporations Act, 1949, and Prevention of Food Adulteration Act, 1954 has been rejected.

3. Shri BS Patel, learned advocate appearing on behalf of the petitioner has submitted that the application of the petitioner for renewal of licence is rejected mainly on the ground that the petitioner has not produced the NOC and/or BU Permission from the Estate Department of the AMC. He has also submitted that now the petitioner has already paid the impact fee under the provisions of Gujarat Regularisation of Unauthorised Development Rules and necessary Certificate in Form-E is also issued by the competent authority. Under the circumstances it is submitted that now there is no cause for the respondent Corporation to not to renew the licence.

4. In response to the notice issued by this Court, Shri RR Marshall, ld. advocate appears on behalf of the Corporation. He has submitted that there might be some other reason also for not renewing the licence. Therefore he has submitted that an appropriate direction be issued to make proper representation to the respondent to reconsider its decision afresh. Considering the aforesaid facts and circumstances the petitioner to move an application, within a period of three days from today, before the Ahmedabad Municipal Corporation for the purpose of renewal of licence under the Bombay Provincial Municipal Corporations Act, 1949 along with the Certificate issued in Form-E by the competent authority under the provisions of Gujarat Regularisation of Unauthorised Development Rules, and on receipt of such application, the respondent Corporation is directed to reconsider its decision with regard to renewal of licence as required under the said BPMC Act in accordance with law and on merits within the period of 4 weeks from the date of receipt of such application. Until then, the ad-interim relief granted by this Court is directed to be continued. Rule is made absolute accordingly with no order as to costs.

[M.R. Shah, J.]

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